

Union Calendar No. 208

103D CONGRESS
1ST SESSION

H. R. 3505

[Report No. 103-378]

A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

NOVEMBER 18, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1993

Mr. WAXMAN introduced the following bill; which was referred to the
Committee on Energy and Commerce

NOVEMBER 18, 1993

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 10, 1993]

A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs,

and projects of national significance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Developmental Disabil-*
 5 *ities Assistance and Bill of Rights Act Amendments of*
 6 *1993”.*

7 **SEC. 2. TITLE AND PART HEADINGS.**

8 *(a) TITLE.—The heading of title I of the Developmen-*
 9 *tal Disabilities Assistance and Bill of Rights Act (42 U.S.C.*
 10 *6000 et seq.) is amended to read as follows:*

11 **“TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMEN-**
 12 **VIDUALS WITH DEVELOPMEN-**
 13 **TAL DISABILITIES”.**

14 *(b) PART.—The heading of part A of title I of the De-*
 15 *velopmental Disabilities Assistance and Bill of Rights Act*
 16 *(42 U.S.C. 6000 et seq.) is amended to read as follows:*

17 **“PART A—GENERAL PROVISIONS”.**

18 **SEC. 3. FINDINGS AND PURPOSES.**

19 *Section 101 of the Developmental Disabilities Assist-*
 20 *ance and Bill of Rights Act (42 U.S.C. 6000) is amended*
 21 *to read as follows:*

22 **“SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

23 *“(a) FINDINGS.—The Congress finds that—*

1 “(1) in 1993 there are more than 3,000,000
2 individuals with developmental disabilities in the
3 United States;

4 “(2) disability is a natural part of the human
5 experience that does not diminish the right of individ-
6 uals with developmental disabilities to enjoy the op-
7 portunity to live independently, enjoy self-determina-
8 tion, make choices, contribute to society, and experi-
9 ence full integration and inclusion in the economic,
10 political, social, cultural, and educational main-
11 stream of American society;

12 “(3) individuals with developmental disabilities
13 continually encounter various forms of discrimination
14 in critical areas;

15 “(4) there is a lack of public awareness of the ca-
16 pabilities and competencies of individuals with devel-
17 opmental disabilities;

18 “(5) individuals whose disabilities occur during
19 their developmental period frequently have severe dis-
20 abilities that are likely to continue indefinitely;

21 “(6) individuals with developmental disabilities
22 often require lifelong specialized services and assist-
23 ance, provided in a coordinated and culturally com-
24 petent manner by many agencies, professionals, advo-
25 cates, community representatives, and others to elimi-

1 *nate barriers and to meet the needs of such individ-*
2 *uals and their families;*

3 *“(7) a substantial portion of individuals with*
4 *developmental disabilities and their families do not*
5 *have access to appropriate support and services from*
6 *generic and specialized service systems and remain*
7 *unserved or underserved;*

8 *“(8) family members, friends, and members of*
9 *the community can play an important role in en-*
10 *hancing the lives of individuals with developmental*
11 *disabilities, especially when the family and commu-*
12 *nity are provided with the necessary services and sup-*
13 *ports; and*

14 *“(9) the goals of the Nation properly include the*
15 *goal of providing individuals with developmental dis-*
16 *abilities with the opportunities and support to—*

17 *“(A) make informed choices and decisions;*

18 *“(B) live in homes and communities in*
19 *which such individuals can exercise their full*
20 *rights and responsibilities as citizens;*

21 *“(C) pursue meaningful and productive*
22 *lives;*

23 *“(D) contribute to their family, community,*
24 *State, and Nation;*

1 “(E) have interdependent friendships and
2 relationships with others; and

3 “(F) achieve full integration and inclusion
4 in society;

5 in an individualized manner, consistent with unique
6 strengths, resources, priorities, concerns, abilities and
7 capabilities of each individual.

8 “(b) PURPOSE.—The purpose of this Act is to assure
9 that individuals with developmental disabilities and their
10 families have access to culturally competent services, sup-
11 ports, and other assistance and opportunities that promote
12 independence, productivity, and integration and inclusion
13 into the community, through—

14 “(1) support to State Developmental Disabilities
15 Councils in each State to promote, through systemic
16 change, capacity building, and advocacy (consistent
17 with section 101(c)(2)), a consumer and family-cen-
18 tered, comprehensive system, and a coordinated array
19 of services, supports, and other assistance for individ-
20 uals with developmental disabilities and their fami-
21 lies;

22 “(2) support to protection and advocacy systems
23 in each State to protect the legal and human rights
24 of individuals with developmental disabilities;

1 “(3) support to university affiliated programs to
2 provide interdisciplinary preservice preparation of
3 students and fellows, community service activities,
4 and the dissemination of information and research
5 findings; and

6 “(4) support to national initiatives to collect
7 necessary data, provide technical assistance to State
8 Developmental Disabilities Councils, protection, and
9 advocacy systems and university affiliated programs,
10 and support other nationally significant activities.

11 “(c) *POLICY.*—It is the policy of the United States that
12 all programs, projects, and activities receiving assistance
13 under this Act shall be carried out in a manner consistent
14 with the principles that—

15 “(1) individuals with developmental disabilities,
16 including those with the most severe developmental
17 disabilities, are capable of achieving independence,
18 productivity, and integration and inclusion into the
19 community, and the provision of services, supports
20 and other assistance can improve such individuals’
21 ability to achieve independence, productivity, and in-
22 tegration and inclusion;

23 “(2) individuals with developmental disabilities
24 and their families have competencies, capabilities and
25 personal goals that should be recognized, supported,

1 *and encouraged and any assistance should be pro-*
2 *vided in an individualized manner, consistent with*
3 *the unique strengths, resources, priorities, concerns,*
4 *abilities, and capabilities of the individual;*

5 *“(3) individuals with developmental disabilities*
6 *and their families are the primary decisionmakers re-*
7 *garding the services and supports such individuals*
8 *and their families receive and play decisionmaking*
9 *roles in policies and programs that affect the lives of*
10 *such individuals and their families;*

11 *“(4) services, supports, and other assistance are*
12 *provided in a manner that demonstrates respect for*
13 *individual dignity, personal preferences, and cultural*
14 *differences;*

15 *“(5) communities accept and support individ-*
16 *uals with developmental disabilities and are enriched*
17 *by the full and active participation and the contribu-*
18 *tions by individuals with developmental disabilities*
19 *and their families; and*

20 *“(6) individuals with developmental disabilities*
21 *have opportunities and the necessary support to be*
22 *included in community life, have interdependent rela-*
23 *tionships, live in homes and communities, and make*
24 *contributions to their families, community, State, and*
25 *Nation.”.*

1 **SEC. 4. TECHNICAL AMENDMENTS.**

2 (a) *PROTECTION AND ADVOCACY OF THE RIGHTS OF*
 3 *INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.*—The
 4 heading of part C of title I of the Developmental Disabilities
 5 Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)
 6 is amended to read as follows:

7 **“PART C—PROTECTION AND ADVOCACY OF THE**
 8 **RIGHTS OF INDIVIDUALS WITH DEVEL-**
 9 **OPMENTAL DISABILITIES”.**

10 (b) *SYSTEM REQUIRED.*—Section 142 of the Devel-
 11 opmental Disabilities Assistance and Bill of Rights Act (42
 12 U.S.C. 6042) is amended by adding at the end the following
 13 subsection:

14 “(i) *PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.*—
 15 The Secretary shall provide advance public notice of any
 16 Federal programmatic and administrative review and so-
 17 licit public comment on the system funded under this part
 18 through such notice. The findings of the public comment so-
 19 licitation notice shall be included in the onsite visit report.
 20 The results of such reviews shall be distributed to the Gov-
 21 ernor of the State and to other interested public and private
 22 parties.”.

23 (c) *DEFINITION REGARDING UNIVERSITY AFFILIATED*
 24 *PROGRAMS.*—The Developmental Disabilities Assistance
 25 and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amend-
 26 ed—

1 (1) in section 102(1)—

2 (A) by inserting “, except as provided in
3 section 155,” before “includes”; and

4 (B) by inserting “the Commonwealth of” be-
5 fore “Puerto Rico”; and

6 (2) by adding at the end of part D the following
7 section:

8 **“SEC. 155. DEFINITION.**

9 *“For purposes of this part, the term ‘State’ means each
10 of the several States, the District of Columbia, the Common-
11 wealth of Puerto Rico, the Virgin Islands, and Guam.”.*

12 **SEC. 5. AUTHORIZATIONS OF APPROPRIATIONS.**

13 (a) *PLANNING OF PRIORITY AREA ACTIVITIES.*—Sec-
14 tion 130 of the Developmental Disabilities Assistance and
15 Bill of Rights Act (42 U.S.C. 6030) is amended by striking
16 “\$77,400,000” and all that follows and inserting the follow-
17 ing: “\$70,000,000 for fiscal year 1994, and such sums as
18 may be necessary for each of the fiscal years 1995 and
19 1996.”.

20 (b) *PROTECTION AND ADVOCACY OF INDIVIDUAL
21 RIGHTS.*—Section 143 of the Developmental Disabilities
22 Assistance and Bill of Rights Act (42 U.S.C. 6043) is
23 amended by striking “\$24,200,000” and all that follows and
24 inserting the following: “\$24,000,000 for fiscal year 1994,

1 *and such sums as may be necessary for each of the fiscal*
2 *years 1995 and 1996.”.*

3 *(c) UNIVERSITY AFFILIATED PROGRAM.—Section 154*
4 *of the Developmental Disabilities Assistance and Bill of*
5 *Rights Act (42 U.S.C. 6064) is amended to read as follows:*

6 ***“SEC. 154. AUTHORIZATION OF APPROPRIATIONS.***

7 *“For the purpose of making grants under subsections*
8 *(a) through (e) of section 152, there are authorized to be*
9 *appropriated \$19,000,000 for fiscal year 1994, and such*
10 *sums as may be necessary for each of the fiscal years 1995*
11 *and 1996.”.*

12 *(d) PROJECTS OF NATIONAL SIGNIFICANCE.—Section*
13 *163(a) of the Developmental Disabilities Assistance and*
14 *Bill of Rights Act (42 U.S.C. 6083(a)) is amended by strik-*
15 *ing “\$3,650,000” and all that follows and inserting the fol-*
16 *lowing: “\$4,000,000 for fiscal year 1994, and such sums*
17 *as may be necessary for each of the fiscal years 1995 and*
18 *1996.”.*